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CV 02-2164 #1

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

BY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

602958ndiss
LIGHTSPEED MEDIA CORPORATION,)
Plaintiff,) No. C02-21648
vs)
COMPLAINT FOR INJUNCTIVE RELIEF
AND DAMAGES
JOEL L. ROBINSON)
a/k/a J.R. ROBINSON, and)
DOMINIQUE'S ESCORT / MASSAGE)
SERVICE, d/b/a DDS ESCORTS)
Defendants)

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COMES NOW the plaintiff, Lightspeed Media Corporation, a Washington corporation, and
for cause of action alleges as follows:

PARTIES

1 Plaintiff is a corporation formed under the Washington Business Corporations
Act
2 Defendant Joel L. Robinson is an individual residing in the State of Washington.
3 Defendant Dominique's Escort / Massage Service is a business of unknown legal
status located within King County, Washington and believed to be a sole proprietorship owned
by defendant Joel L. Robinson.

COMPLAINT - 1

AvantLaw PLLC
500 Union Street, Suite 510
Seattle, Washington 98101
(206) 624-5667 - (206) 624-5715 (fax)

JURISDICTION AND VENUE

4 This court has original jurisdiction over the subject matter of this action pursuant
to 28 U S C § 1338, to wit: the defendant has committed multiple infringements of copyrighted
materials owned by the plaintiff. Title 28, Section 1338 provides that the district courts of the
United States shall have original jurisdiction of any civil action arising under any Act of
Congress relating to copyrights and that such jurisdiction shall be exclusive of the state courts

5 Plaintiff and both Defendants reside in the Western District of Washington.
Consequently, venue is proper in the Western District of Washington

FACTUAL BACKGROUND

6 Plaintiff incorporates the allegations contained in paragraphs 1 through 5 as
though fully set forth herein

7 Defendants control and operate a Web site known as <http://www.ddsescorts.com>, a Web site offering to provide escort services for a fee. Defendants created the Web site and posted pictures, listings of physical attributes, and the per-hour fees for several models that Defendants alleged were located in the Seattle, Washington area.

8 One of the escorts advertised as being available in the Seattle, Washington area is an individual that Defendants stated on their Web site to be named "Amber" In fact, the escort purported to be named "Amber" and advertised as being available for escort services is actually a model known as "Tawnee Stone" (whose true identity is known to Plaintiff, and who is a party to an exclusive modeling arrangement with Plaintiff). The photographic images shown on Defendants' Web site are images that had been copied from the Web site known as <http://www.tawneestone.com>

9 The Web site known as <http://www.tawneestone.com> and the images thereon are owned and operated by plaintiff Lightspeed Media Corporation. Access to the infringed images

1 copied from the Tawnee Stone Web site is controlled and limited to those who subscribe to the
2 Web site and pay a monthly subscription fee. A condition and term of the access provided by the
3 subscription is that the images contained thereon are for personal use only and that the images
4 may not be otherwise transferred or made available by subscribers

5 10. As recently as July 8, 2002, Defendants used copies of the copyrighted images
6 belonging to Plaintiff on Defendant's Web site located at <http://www.ddsescorts.com> portraying
7 the model commonly known as "Tawnee Stone" as an escort named "Amber" with full
8 knowledge that the model portrayed in the image was not an escort in the employment of
9 Defendants nor otherwise available to Defendants to be employed as an escort. Defendant's use
10 of the infringing images on the Web site located at <http://www.ddsescorts.com> is deliberate and
11 willful.

12 11. As recently as July 18, 2002, and for many weeks prior to July 18, 2002,
13 Defendants caused to have published copies of images that infringed on Plaintiff's copyright
14 interests in advertisements that Defendants had placed in the Seattle Weekly newspaper, a
15 publication distributed in Seattle, Washington and elsewhere on a weekly basis.

16 12. As recently as July 18, 2002, and for many weeks prior to July 18, 2002,
17 Defendants caused to have published copies of images that infringed on Plaintiff's copyright
18 interests in advertisements that Defendants had placed in The Stranger newspaper, a publication
19 distributed in Seattle, Washington and elsewhere on a weekly basis.

20 13. Title 17, Section 504 of the United States Code provides for damages of up to
21 \$150,000 per image for willful infringement. Defendant's willful infringement of Plaintiff's
22 images has damaged Plaintiff in an amount to be determined at trial

23 14. Plaintiff has not granted permission or other license to Defendants allowing them
24 to use or otherwise display the infringed images

CAUSES OF ACTION

COUNT 1

INFRINGEMENT OF COPYRIGHT BY PUBLICATION ON THE INTERNET

15 Plaintiff incorporates the allegations contained in paragraphs 1 through 14 as
though fully set forth herein

16 Defendants infringed upon the copyright interests of Plaintiff by publishing images of the model commonly known as "Tawnee Stone" on the Web site located at <http://www.ddsescorts.com>, representing the images to be photographs of an escort known as "Amber" with the full knowledge that the images were not of an escort in their employ, nor otherwise available to them to be employed or retained as an escort.

17 Defendants willful infringing of Plaintiff's copyrighted materials by publishing
them on the Web site located at <http://www.ddsescorts.com> has damaged Plaintiff in an amount
to be proven at trial

COUNT 2

INFRINGEMENT OF COPYRIGHT BY PUBLICATION IN THE SEATTLE WEEKLY

NEWSPAPER

18. Plaintiff incorporates the allegations contained in paragraphs 1 through 14 as though fully set forth herein

19 Defendants infringed upon the copyright interests of Plaintiff by publishing images of the model commonly known as "Tawnee Stone" in print advertisements in the Seattle Weekly newspaper, representing the images to be photographs of an escort available from and through DDS Escorts with the full knowledge that the images were not of an escort in their employ, nor otherwise available to them to be employed or retained as an escort.

20. Defendants willful infringing of Plaintiff's copyrighted materials by publishing them in the Seattle Weekly newspaper has damaged Plaintiff in an amount to be proven at trial

COUNT 3

INFRINGEMENT OF COPYRIGHT BY PUBLICATION IN THE STRANGER NEWSPAPER

21. Plaintiff incorporates the allegations contained in paragraphs 1 through 14 as though fully set forth herein.

22. Defendants infringed upon the copyright interests of Plaintiff by publishing images of the model commonly known as "Tawnee Stone" in print advertisements in The Stranger newspaper, representing the images to be photographs of an escort available from and through DDS Escorts with the full knowledge that the images were not of an escort in their employ, nor otherwise available to them to be employed or retained as an escort

23 Defendants willful infringing of Plaintiff's copyrighted materials by publishing
them in the Seattle Weekly newspaper has damaged Plaintiff in an amount to be proven at trial

RESERVATION OF RIGHTS

Plaintiff reserves the right to add additional parties or other claims as discovery may merit.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows

1 Preliminarily and permanently enjoin Defendants from infringement of Plaintiff's
copyrights

2. Award to Lightspeed Media Corp. direct, incidental, consequential, statutory and special damages for losses sustained by Plaintiff resulting from Defendants' use and distribution of images infringing Plaintiff's copyrights.

1 3 Award to Plaintiff statutory costs, and reasonable attorney's fees incurred by
2 Plaintiff in prosecuting this action as provided by law,

3 4 For all such other and further relief as this Court may deem just and proper.

4
5 Dated this 18th day of October, 2002

6 *AvantLaw PLLC*

7 
8 By: Robert S. Apgood
9 Attorneys for Plaintiff
10 Lightspeed Media Corporation